



# ICO consultation on the draft updated data sharing code of practice

Data sharing brings important benefits to organisations and individuals, making our lives easier and helping to deliver efficient services.

It is important, however, that organisations which share personal data have high data protection standards, sharing data in ways that are fair, transparent and accountable. We also want organisations to be confident when dealing with data sharing matters, so individuals can be confident their data has been shared securely and responsibly.

As required by the Data Protection Act 2018, we are working on updating our data sharing code of practice, which was published in 2011. We are now seeking your views on the draft updated code.

The draft updated code explains and advises on changes to data protection legislation where these changes are relevant to data sharing. It addresses many aspects of the new legislation including transparency, lawful bases for processing, the new accountability principle and the requirement to record processing activities.

The draft updated code continues to provide practical guidance in relation to data sharing and promotes good practice in the sharing of personal data. It also seeks to allay common concerns around data sharing.

As well as legislative changes, the code deals with technical and other developments that have had an impact on data sharing since the publication of the last code in 2011.

Before drafting the code, the Information Commissioner launched a call for views in August 2018. You can view a summary of the responses and some of the individual responses [here](#).

If you wish to make any comments not covered by the questions in the survey, or you have any general queries about the consultation, please email us at [datasharingcode@ico.org.uk](mailto:datasharingcode@ico.org.uk)

Please send us your responses by **Monday 9 September 2019**.

## **Privacy Statement**

For this consultation, we will publish all responses except for those where the respondent indicates that they are an individual acting in a private capacity (e.g. a member of the public). All responses from organisations and individuals responding in a professional capacity will be published. We will remove email addresses and telephone numbers from these responses; but apart from this, we will publish them in full.

For more information about what we do with personal data please see our [privacy notice](#).

Please note that we are using the platform Snap Surveys to gather this information. Any data collected by Snap Surveys for ICO is stored on UK servers. You can read their [Privacy Policy](#).

Q1 Does the updated code adequately explain and advise on the new aspects of data protection legislation which are relevant to data sharing?



Yes



No

Q2 If not, please specify where improvements could be made.

It is vague and abstract. There should be 10x more practical examples. There is lots of unclear wording such as: \* "You must also ensure that the sharing happens in a way that people would not find unexpected or objectionable". Exactly what does "people" mean in that sentence - 2 people, a few people, a significant number of people, or all people? \* "You must ensure that individuals know what is happening to their data. They must know which organisations are sharing their personal data". What does "must know" mean in that sentence - they have been given a chance to find out, they have been told the information exists and given a link to it, they have been shown the information, or you have tested their knowledge to make sure?

Q3 Does the draft code cover the right issues about data sharing?



Yes



No

Q4 If no, what other issues would you like to be covered in it?

(1) The code states, "Data sharing covered by this code ... For the purposes of this code, it does not include sharing data with employees, or with processors". I believe the overwhelming majority of data sharing is with employees or processors, so this limitation makes it much less valuable. (2) The code does not mention "ecommerce" or "advertising", but mentions "police" 25 times. Much more balance between public and private sector is necessary.

Q5 Does the draft code contain the right level of detail?

☐ Yes

☒ No

Q6 If no, in what areas should there be more detail within the draft code?

There should be 10x more practical examples, especially about data sharing in ecommerce.

Q7 Has the draft code sufficiently addressed new areas or developments in data protection that are having an impact on your organisation's data sharing practices?

☐ Yes

☒ No

Q8 If no, please specify what areas are not being addressed, or not being addressed in enough detail.

Don't know, but there it no option to choose this.

Q9 Does the draft code provide enough clarity on good practice in data sharing?

☐ Yes

☒ No

Q10 If no, please indicate the section(s) of the draft code which could be improved, and what can be done to make the section(s) clearer.

Don't know, but there it no option to choose this.

Q11 Does the draft code strike the right balance between recognising the benefits of sharing data and the need to protect it?

☐ Yes

☒ No

Q12 If no, in what way does the draft code fail to strike this balance?

The benefits are barely mentioned, possibly because most benefits come from the use of modern tools and services (e.g. SaaS services and delivery networks), but those involve controller-processor sharing. You have chosen to ignore advice on controller-processor sharing in the code, but I feel you cannot ignore the benefits without striking completely the wrong balance between benefits and protection.

Q13 Does the draft code cover case studies or data sharing scenarios relevant to your organisation?

☐ Yes

☒ No

Q14 Please provide any further comments or suggestions you may have about the draft code.

We are a data processor working with data controllers who are ecommerce clients, and the code does not apply to controller-processor sharing. But thinking about our clients' needs, there should be 10x more practical examples, especially about data sharing in ecommerce and retail.

Q15 To what extent do you agree that the draft code is clear and easy to understand?

- ☐ Strongly agree
- ☐ Agree
- ☐ Neither agree nor disagree
- ☐ Disagree
- ☒ Strongly disagree

Q16 Are you answering as:

- ☐ An individual acting in a private capacity (e.g. someone providing their views as a member of the public or the public)
- ☒ An individual acting in a professional capacity
- ☐ On behalf of an organisation
- ☐ Other

Q17 Please specify

I'm a DPO

Q18 Please specify

Q19 Please specify

Thank you for taking the time to share your views and experience.